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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/685,277

10/14/2003

Sheldon H. Foss JR.

03001.1030

4917

35856

7590

11/07/2008

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EXAMINER

FERTIG, BRIAN E

ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

11/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/685,277	Applicant(s) FOSS ET AL.	
	Examiner BRIAN FERTIG	Art Unit 3694	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-16,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-16,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/1/2006, 6/6/2006, 1/4/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/31/2008 has been entered. Claims 1, 3-16 and, 21-22 are pending and examined below. Claims 17-20 are cancelled.

Specification

1. The disclosure is objected to because of the following informalities: On page 10, the Specification discusses an "OFAC" check. Examiner is unable to identify a definition of this acronym within the Specification. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-16 and, 21-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to, at least, claims 1 and 21

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These claims contain limitations directed to statements of intended use (i.e. 'for' clauses). Statements of intended use is language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation (see MPEP § 2106.01). As such, these statements render the claim indefinite. Examiner respectfully suggests removal of 'for' and other statements of intended use in favor of positive recitations so as to clarify the intended limiting effect of these recitations.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 1, 3-8, 10-16 and, 21-22 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,308,887 to Korman (Korman) in view of US Patent 5,984,180 to Albrecht (Albrecht).

With respect to claim 1

Korman teaches:

A terminal that can be operated by a merchant to provide a plurality of financial services to a customer, the terminal comprising:

a data input interface (i.e. ATM/credit/debit card reader with smartchip read/write capability, see col 5, lines 55-67);

a user interface (i.e. monitor, touch screen, keyboard, etc, see col 4, lines 49-67);

a network interface for communicatively coupling the terminal to a server (i.e. communications links, see col 7, lines 10-30); and

a processor coupled to said data input interface, said user interface and said network interface (i.e. computer, see col 6, lines 46-67), the processor being operable to:

receive a financial service selection from a customer via the user interface (see col 4, lines 49-67, note that the user may make indicate choices),

extract session data from a data source associated with the customer through said data input interface (see col 5, lines 55-67, note that the card reader has read/write capability for

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increasing/decreasing stored value amounts, note also the reading of MICR data);

provide said session data to said server (see col 5, line 67-col 6, line 1);

Korman does not explicitly teach:

the financial service requiring the creation of a financial account;

receive an authorization from said server to provide the selected financial service and for creating the financial account, the authorization including the server validating the session data against at least one requirement for providing the selected financial service and applying underwriting criteria to the session data; and

provide the selected financial service including the creation of the financial account.

Albrecht teaches:

the financial service requiring the creation of a financial account (see col 4, line 10-col 5, line 36, note that upon authorization, a secondary account is created);

receive an authorization from said server to provide the selected financial service and for creating the financial account (see col 4, line 10-col 5, line 36, note that the CPU issues an instruction for the creation of a second account, see also col 5, lines 45-60,

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and col 6, lines 9-12 note that once the secondary account is created, a credit instrument is created and sent to the purchaser), the authorization including the server validating the session data against at least one requirement for providing the selected financial service (see col 4, line 10-col 5, line 36, note that the authorization data is compared against that on file for authorization purposes, note also the check against established parameters) and applying underwriting criteria to the session data (see col 4, line 10-col 5, line 36, note that the underwriting criteria include credit limit and minimum/maximum criterion); and

provide the selected financial service including the creation of the financial account (see col 5, line 45-col 6, line 28, note that the secondary account is created and the card is sent to the purchaser or authorized user who may use it for future credit gift card transactions).

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided the terminal of Korman with the account creation, receiving, and providing features of Albrecht in order to have enabled the terminal of Korman to provide 'gift credit cards' which are linked to a primary account and have a defined expenditure limit as taught explicitly by Albrecht (see col 2, line 50-col 3, line 6)

With respect to claim 3

Korman in view of Albrecht teaches:

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The terminal of claim 1 (see rejection of claim 1 above), wherein said processor is further operable to: update said session data based at least in part on the provision of the financial service and the validation (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the establishment of credit for the second account); and write the updated session data to the data source through the data interface (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 4

Korman in view of Albrecht teaches:

The terminal of claim 1 (see rejection of claim 1 above), wherein said processor is further operable to: update said session data based at least in part on the validation (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the establishment of credit for the second account); and write the updated session data to the data source through the data interface (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 5 .

Korman in view of Albrecht teaches:

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The terminal of claim 1 (see rejection of claim 1 above), wherein said processor is further operable to: update said session data based at least in part on the provision of the financial service (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the use of credit for the second account); and write the updated session data to the data source through the data interface (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 6

Korman in view of Albrecht teaches:

The terminal of claim 1 (see rejection of claim 1 above), wherein said data interface includes a magnetic card reader (see Korman col 5, lines 55-67, note the MICR reading features).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 7

Korman in view of Albrecht teaches:

The terminal of claim 1 (see rejection of claim 1 above), wherein said data interface includes a bar code reader (see Korman col 5, lines 53-67, note the bar code reading feature).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 8

Korman in view of Albrecht teaches:

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The terminal of claim 1 (see rejection of claim 1 above), wherein said data input interface includes a scanner (see Korman col 5, lines 53-67, note the MICR reader. This fairly suggests a scanner in so far as the magnetic data is both read and decoded. See also col 8, lines 13-19, note that payment is possible with cash, fairly suggesting a scanner since the images of the bills would need to be scanned in recognized in order to determine their amounts).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 10

Korman in view of Albrecht teaches:

The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes generating a pre-paid card (i.e. gift credit cards of Albrecht, see col 5, lines 37-44, note that they are prepaid in so far as the entire amount may be debited at one time, note also the phone cards below).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 11

Korman in view of Albrecht teaches:

The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes granting approval for accepting a check (see Korman, col 5, line 60-col 6, line 4).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 12

Korman in view of Albrecht teaches:

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The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes providing cash to a customer (see Korman col 6, lines 1-4, note the dispensing of money, see also col 5, lines 39-40).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 13

Korman in view of Albrecht teaches:

The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes performing a transfer of funds between a first and second account (see Korman col 5, lines 53-66 in combination with col 8, lines 13-36, note that the combination fairly suggests the purchase of various items via check. This is a transfer of funds in so far as it is fairly suggested that the account related to the check will be credited to the merchandisers account during a suggested clearing process).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 14

Korman in view of Albrecht teaches:

The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes transferring the stored value on a first stored-value card to the balance on a second stored value card (see Korman col 5, lines 52-67 in combination with col 8, lines 13-18).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 15

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Korman in view of Albrecht teaches:

The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes receiving information identifying the recipient of the bill, the amount of a bill, the source of funds for making the payment of the bill and then executing the payment of the bills (see Korman col 5, lines 60-67 in combination with col 8, lines 13-19).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 16

Korman in view of Albrecht teaches:

The terminal of claim 1 (see rejection of claim 1 above), wherein said at least one financial service includes generating a pre-paid telecommunications card (see col 5, lines 51-53).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 21

Korman in view of Albrecht teaches:

A system for providing financial services, the system including a terminal and a server coupled said terminal, the system comprising:

said terminal being operated by a merchant and having a network interface for interfacing to said server and a data interface for receiving a data source associated with a customer and being operable to (see Korman col 7, lines 11-30):

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extract session data from said data source via said data interface (see Korman col 5, lines 55-67, note that the card reader has read/write capability for increasing/decreasing stored value amounts, note also the reading of MICR data);

receive a financial service selection, the financial service requiring the creation of a financial account (see Korman col 4, lines 49-67, note that the user may make indicate choices in combination with Albrecht col 4, line 10-col 5, line 36, note that upon authorization, a secondary account is created);

obtain validation from said server (see Albrecht col 4, line 10-col 5, line 36, note that the CPU issues an instruction for the creation of a second account, see also col 5, lines 45-60, and col 6, lines 9-12 note that once the secondary account is created, a credit instrument is created and sent to the purchaser); and

perform said selected financial service (see Albrecht col 5, line 45-col 6, line 28, note that the secondary account is created and the card is sent to the purchaser or authorized user who may use it for future credit gift card transactions); and

said server having a network interface for interfacing to said terminal and being operable to (see Korman col 7, lines 11-30):

receive session data from said terminal via said network interface (see Korman col 5, line 67-col 6, line 1));

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authorize the creation of the financial account and the provision of the selected financial service based in part on said session data by validating the session data against at least one requirement for providing the selected financial service (see Albrecht, col 4, line 10-col 5, line 36);

alter a parameter of the financial account based on aggregated data from other financial accounts and a risk model (see Albrecht col 5, lines 37-44 in combination with col 4, line 53-col 5, line 13, note that the primary account is charged, based on the a determination that the transaction is within a prescribed minimum and maximum and less than the available credit of the primary account, note that it is fairly suggested that the credit limit is the result of a risk model in so far as a credit limit is the extent to which the lending entity is willing to risk lending its assets to the account holder);

establish said financial account proximate to the validation of the financial service selection (see Albrecht col 5, lines 8-17, note that the secondary account is created after the authorization process is successfully completed);

identify additional financial services that are available based on the session data (see Korman col 10, lines 39-44, note that the

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invention may be used to supply information based on the identity of the user);

detect fraudulent or suspicious activity associated with the financial account (see Korman col 5, lines 15-29, col 6, lines 19-35, col 7, lines 39-43 note that fraud is detected/prevented via the use of PIN, biometric and tampering sensors/alarms); and

send a validation notice to said terminal via said network interface (see Korman, col 5, line 67-col 6, line 4, note that the FSP authorizes the debit, which allows the terminal to dispense money).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 21

Korman in view of Albrecht teaches:

The system of claim 21 (see rejection of claim 21 above), wherein said terminal is further operable to update said session data after performing said selected financial service (see Albrecht, see col 5, lines 14-44, note that the primary account is billed based on the use of credit for the second account) and send said updated session data to said data source via said data interface. (see Korman, col 5, lines 55-67, note the write functionality in combination with the ability to increase or decrease the stored dollar amount).

(see rationale supporting obviousness and motivation to combine of claim 1 above)

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7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Korman in view of Albrecht and in further view of Official Notice.

With respect to claim 9

Korman in view of Albrecht teaches:

The terminal of claim 8 (see rejection of claim 8 above), but does not explicitly teach wherein said processor is further operable to apply a template to selectively scan portions of the data source in obtaining the said session data.

Examiner takes Official Notice that it is well known in the art to apply a template to selectively scan portions of the data source in so far as check or cash accepting terminals often use templates to identify where amounts, signatures, identifying symbols, etc are located so as to properly recognize or validate checks or cash. It would have been obvious to one having ordinary skill in the art to have provided the check and cash accepting features of Korman with the template feature of Official Notice in order to have facilitated the processing the cash and checks accepted by Korman's invention.

Response to Arguments

8. Examiner acknowledges Applicants fully responsive filing of 1/18/2008. The balance of Applicant's arguments with respect to claims 1, 3-17, and 21-22 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

9. While no allowable subject matter is claimed above, Examiner respectfully suggests differentiating over the art cited above by the inclusion of claim detail directed to the risk modeling, fee, or loyalty reward aspects of Applicant's invention.

Inquiry

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN FERTIG whose telephone number is (571)270-5131. The examiner can normally be reached on Monday - Friday 8:30am to 5:00pm EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B.F./

/Mary Cheung/
Primary Examiner, Art Unit 3694